



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

OSWER Directive 9200.1-35P

November 8, 2000

MEMORANDUM

SUBJECT: Release of Appraisals for Real Property Acquisition
at Superfund Sites

FROM: Timothy Fields, Jr. /signed/
Assistant Administrator

TO: Superfund National Policy Managers, Regions 1 - 10
Regional Counsels, Region 1 - 10

Purpose

This memorandum sets forth the policy for releasing property appraisals during Superfund permanent relocation actions or any other property acquisitions carried out by Superfund.

What is the new EPA policy on the disclosure of appraisals?

The U.S. Environmental Protection Agency (EPA), or those acting on its behalf, will provide a residential or business property owner, who is being permanently relocated as a result of a Superfund response action or whose property is being acquired for other reasons by Superfund, with a copy of the appraisal that is used to establish the value of the property. The rest of this memorandum answers several important questions about this policy.

When will this policy be implemented?

This policy is effective immediately.

Why is EPA adopting this new policy?

Many property owners have asked to see the appraisal reports that were used to establish the amount offered as just compensation for their property. These property owners contended that access to the appraisal is an important aspect of good faith negotiations with the government. This same perspective has been expressed at a number of multi-stakeholder meetings EPA has held during the last few years. After

Careful consideration of this issue, including consultation with the Department of Transportation (DOT), which administers the Uniform Relocation Act, the Department of Justice, and Army Corps of Engineers, which manages permanent relocation actions for EPA, we have decided to implement this disclosure policy for the following reasons:

- C All relevant information should be shared with those whose property is being acquired.
- C Disclosure builds confidence in and reduces suspicion of government actions.
- C Disclosure helps to demonstrate the fairness of the process.
- C Disclosure is consistent with DOT policies and practice.

Are there any exceptions to this policy?

The one exception to this policy is that appraisals will not be released to anyone, without authorization from the Department of Justice, once a case has been referred to the Department for the filing of a condemnation.

How will this policy be implemented?

EPA officials responsible for conducting Superfund response actions must ensure that property owners are provided a copy of the appraisal that is used to establish an amount believed to be just compensation for their property. Usually this will occur when the property owner is given the government's offer letter that is the start of the acquisition negotiations.

Care should be exercised to prevent the unrestricted release of proprietary or confidential information which may be contained in some appraisal reports to third parties. Examples of such information may include financial information related to comparable commercial properties and sales data in "non-disclosure" states. Solicitations for contract appraisal services should provide notice of the Agency's intent to disclose appraisal reports to property owners.

Where can I learn more about the federal real property appraisal and acquisition process?

The Interagency Land Acquisition Conference, established by the Department of Justice, has issued the *Uniform Appraisal Standards for Federal Land Acquisitions* which guide the appraisal process for federal land acquisitions. This document is available on the Internet at <http://usdoj.gov/enrd/land-ack>. Superfund permanent relocations are conducted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The regulations implementing this law can be found in Volume 49 of the Code of Federal Regulations, Part 24. It is also available on the Internet at: <http://www.fhwa.dot.gov/realestate/49cfr.htm>

Where can I learn more about EPA's Interim Policy on the Use of Permanent Relocations as Part of the Superfund Remedial Actions?

The policy on when to consider permanent relocation of residents and businesses located on or near Superfund sites as part of a remedial action can be found in OSWER Directive 9355.0-71P, dated June 30, 1999. This document is available at the following web site:
<http://www.epa.gov/oerrpage/superfund/tools/topics/relocation>

Who should I contact if I have questions about this policy?

If you have any questions about this policy or its implementation, you can contact Joan Fisk, 703-603-8791, fisk.joan@epa.gov, or Bruce Engelbert, 703-603-8711, engelbert.bruce@epa.gov.

cc: Bill Brasse, U.S. Army Corps of Engineers
Linda Garvin, U.S. Army Corps of Engineers
Steve Luftig, OSWER
Larry Reed, OERR
Joanna Gibson, OERR
OERRCDs/PMs
Liz Cotsworth, OSW
Matt Hale, OSW
Jim Woolford, FFRRO
Jeff Josephson, Region 2